

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RANDY WILLINGHAM,)	
)	
Plaintiff,)	
vs.)	NO. CIV-17-1010-HE
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of the)	
Social Security Administration)	
)	
Defendant.)	

ORDER

Plaintiff Randy Willingham filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits and supplement security income. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Gary M. Purcell, who recommends that the Commissioner’s decision be reversed and the matter remanded for further proceedings. The magistrate judge concluded the Administrative Law Judge(“ALJ”) erred in his Step Four analysis. He also concluded that the ALJ failed to provide adequate support for his decision to reject the examining consultative physician’s opinion.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. §636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Purcell’s Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS**

the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order.

IT IS SO ORDERED.

Dated this 29th day of May, 2018.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE